

REMARKS/ARGUMENTS

Claims 1, 3, 5, 8, 9, 13, and 16-18 were presented for examination and are pending in this application. In an Official Office Action dated September 21, 2007, claims 1, 3, 5, 8, 9, 13, and 16-18 were rejected. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

35 U.S.C. §103(a) Obviousness Rejection of Claims

Claims 1, 3, 5, 8, 9, 13 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No.6,131,087 by Luke et al. ("Luke") in view of U.S. Patent No. 5,924,082 by Silverman ("Silverman ") in further view of U.S. Patent Application Publication No. 2002/0016759 by Macready, ("Macready"). Applicant respectfully traverses these rejections in light of the following remarks and respectfully requests reconsideration.

The rejection of September 21, 2007 recognizes that Luke fails to teach "applying a rule based filter to determine a match after orders have been matched based on matching normalized dimensions." The rejection turns to Silverman as teaching "a user specifying filter to be applied to the parties with whom a potential trade occurs." See USPTO communication dated September 21, 2007 page 4. Citing column 9, line 25 through column 10, line 30, the rejection concludes that Silverman teaches rejecting a "matched" order based on rule-based criteria specified by the user (emphasis in original). This portion of Silverman appears to discuss a ranking scheme for various parties. For example, a party's willingness to trade with other parties in the system may be one type of ranking. Admittedly, Silverman

discusses filtering the parties using these ranking criteria. This filtering occurs prior to the matching process, not after a match is found as is claimed by the Applicant.

A careful reading of Silverman does not find support for the rejection of independent claims 1 and 3. Lines 20-24 of column 9 of Silverman indicate that the text that follows is a step-by-step operation of the negotiated matching process according to Silverman. The cited text then describes the argued ranking process. Thereafter, at column 10, line 55 through column 11 line 65, the remainder of the Silverman matching process is described.

The cited references fail to teach or suggest all of the limitations recited in the claims as currently amended. For example, independent claim 1 recites, among other things, "matching the active order with the matching order when the matching order exists identifying a matched order and thereafter applying a rule based filter to the matched order to determine whether the matched order matches the active order based upon a rule based criteria..." (emphasis added). The ranking and filtering cited in the rejection occur prior to a match being determined.

Silverman lists a very detailed, step-by-step process by which to conduct a negotiated matching system. According to Silverman, each party enters ranking information concerning various factors as cited by the rejection. Then, as indicated at column 10, lines 55-57, "the user selects which market he or she wishes to view" Thereafter the instrument of the trade is selected and a bid price is entered. See Silverman column 11, lines 39-41. Then, "based on the price, quantity, and ranking information entered into the system by the trader, the system attempts to locate a match for the trader's order (bid or offer)". Id. column 11, lines 62-65. Following this

match the process may enter a more free form of communication between the "matched" parties. See Id. column 12, lines 6-8.

The present invention clearly states that the application of a rule based filter occurs after a matched order has been determined. This approach lets the user review and filter from among qualifying orders (or bids) that have already met a plurality of normalized criteria. Based on the universe of matched orders, the user may select differing filters to narrow the field. This option is not available in Silverman since any match is already based on a filtering of the rankings. This is a significant distinction in the two processes yielding substantially dissimilar results.

Accordingly, the Applicant deems claims 1 and 3 patentable over Luke in view of Silverman in further view of Macready. As all pending claims depend from either claim 1 or 3 and their rejections fail to address the deficiencies noted above, they too are considered patentable over the cited art. Reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

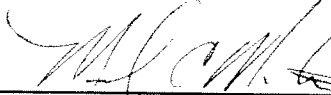
In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

Serial No. 09/827,177
Reply to Final Office Action of September 21, 2007

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

 20 07



Michael C. Martensen, No. 46,901
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5910 Tel
(303) 899-7333 Fax